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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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13-31 August 2001

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

SENEGAL

1. The Committee on Economic, Social and Cultural Rights considered the second periodic report of Senegal on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.25) at its 32nd and 33rd meetings (E/C.12/2001/SR.32 and 33), held on 14 August 2001, and adopted, at its 53rd meeting (E/C.12/2001/SR.53), held on 28 August 2001, the following concluding observations.

A. Introduction

2. The Committee welcomes the second periodic report submitted by Senegal. However, the Committee regrets that the State party did not provide written replies to the list of issues (E/C.12/Q/SEN/1). The Committee also deeply regrets the absence of a delegation from the State party. Consequently, the Committee was denied the opportunity of having a detailed and constructive dialogue with representatives of the State party.

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3. The Committee is particularly concerned that the report provided by the State party, in spite of giving a good overview of the legal and administrative situation prevailing in Senegal concerning the rights covered by the Covenant, lacks detailed information and statistical data as to the concrete measures and policies which have been adopted to implement the Covenant rights.

B. Positive aspects

4. The Committee views as a positive development the growth of the State party's gross domestic product (GDP) at a rate of about 5.3 per cent per annum since the devaluation of the CFA franc in 1994.

5. The Committee notes with satisfaction the efforts undertaken by the State party with regard to the prevention of the spread of HIV/AIDS in Senegal. Owing to the national campaigns undertaken by the State party to rally and involve all sectors of society, including religious authorities, Senegal has one of the lowest rates of infection in sub-Saharan Africa.

6. The Committee notes with appreciation the enactment of Law No. 99.03 of January 1999 which criminalizes, inter alia, female genital mutilation, sexual harassment and domestic violence against women.

7. The Committee welcomes the high proportion of government expenditure allocated to public education. The Committee also notes with appreciation that Senegal hosted the World Education Forum in April 2000 where the Dakar Framework for Action on Education for All was adopted.

8. The Committee takes note with satisfaction of the establishment of several national human rights institutions in Senegal.

9. The Committee welcomes the new law enacted by the State party allowing women 14 weeks of maternity leave.

C. Factors and difficulties impeding the implementation of the Covenant

10. The Committee takes note that the efforts of the State party to comply with its obligations under the Covenant are impeded by the internal conflict prevailing in the Casamance region and by the effect of some aspects of the structural adjustment programmes it has adopted and the repayment of its external debt.

11. The Committee notes that the persistence of certain traditions, customs and cultural practices in Senegal continue to impede the full enjoyment by women and girls of their rights under the Covenant.

D. Principal subjects of concern

12. The Committee expresses its concern about the lack of information from the State party on the specific measures it has taken to implement the recommendations contained in the concluding observations adopted by the Committee in 1994 in relation to Senegal's initial report.

13. The Committee is concerned that, although the new Constitution of Senegal in its preamble guarantees the enjoyment of economic, social and cultural rights, no legislation, apart from the new Labour Code, has been passed to implement the rights guaranteed under the Covenant.

14. The Committee is concerned that the State party is not taking effective measures, legal or otherwise, to recognize and protect religious and ethnic minorities with a view to ensuring that their rights are guaranteed under the Covenant.

15. The Committee expresses its concern about the de jure and de facto inequality that exists between men and women in Senegalese society. For example, article 152 of the Family Code discriminates against women, notably in the fields of taxation, allocation of seeds and family allowances. The Committee is particularly concerned about the lack of progress made by the State party in eradicating the enduring discriminatory practices against women and girls. Such practices include polygamy, restricted access to land, property, housing and credit facilities, and the inability to inherit land.

16. The Committee is concerned that the State party is not taking appropriate measures to address discrimination against women with regard to access to employment.

17. The Committee notes with concern the lack of adequate protection and facilities for people with disabilities who are unable to participate in many occupations due to physical barriers and lack of equipment and training opportunities.

18. The Committee is concerned about the high unemployment rate in Senegal, especially among the young people living in Dakar.

19. The Committee is concerned that the minimum wage is not sufficient to provide a decent standard of living for workers and their families.

20. The Committee is concerned that, while half of Senegalese workers are employed in the informal sector, most of them still lack access to basic social services, including social security and health insurance, and work long hours in unsafe conditions.

21. The Committee is concerned that the State party is not taking appropriate measures to protect the rights of domestic workers, mostly women and girls, especially with regard to their lack of access to basic social services, their unfavourable working conditions and their wages, which are far below the minimum wage.

22. The Committee is concerned about the fact that an authorization from the Ministry of the Interior is needed before a trade union can be set up and that they can be dissolved by the Ministry. Moreover, it is a matter of concern that foreign workers are still not permitted to hold trade union offices, in spite of the Committee's recommendation to that effect in 1994.

23. The Committee is concerned that funds allocated by the State party for basic social services through its 20/20 Initiative fall far short of the minimum social expenditure required to cover such services. In this regard the Committee notes with regret that more is spent by the State party on the military and on servicing its debt than on basic social services.

24. The Committee is concerned that, in spite of the existence of legislation banning the practice of female genital mutilation (FGM), FGM is still practised with impunity by certain ethnic groups and in certain regions.

25. The Committee is concerned about the lack of effective measures taken, including the enforcement of existing legislation, to eliminate all forms of violence against women.

26. The Committee is concerned about the rise in clandestine abortions, unwanted pregnancies and the high rate of maternal mortality which is as high as 500 deaths per 100,000 live births.

27. The Committee is concerned about the increasing number of street children, especially in Dakar, and about the high incidence of child labour, especially in rural areas, and the exploitation of children engaged in agriculture, domestic work, informal trading and other services. The Committee is also concerned about the low remuneration that children receive which is well below the minimum wage.

28. The Committee is concerned about the high incidence of infant mortality, especially in rural areas. The Committee is also concerned that many children in the rural areas suffer from serious malnutrition and retarded growth.

29. The Committee is concerned that in 2000, 30 per cent of the Senegalese people were living in absolute poverty and that 70 per cent of the poor came from the countryside and were women, and that poverty is on the increase.

30. The Committee is concerned about the acute shortage of housing in Senegal and about the State party's new policy of not building any more social housing units for low income, disadvantaged and marginalized groups. The Committee is also concerned about the high interest rate on housing credit which seriously restricts access to adequate housing for a large number of people.

31. The Committee is concerned about the reportedly growing number of forced evictions in Senegal, especially in Dakar. The Committee is particularly concerned about the plight of some 450 households in the Diamaguène district and some 5,000 inhabitants of the Baraka slum who, in spite of having occupied their dwellings for a long time, are threatened with eviction by the State party.

32. The Committee is concerned about the situation of small farmers who are unable to repay their debts and are denied credit facilities at reasonable rates so that they cannot earn a living for themselves and their family.

33. The Committee is concerned that the asylum-seekers who, while waiting for a decision on their status, which takes a long time, are denied access to basic social services, including hospital care. The Committee is also concerned that children of asylum-seekers who have not yet been granted refugee status cannot enrol in school unless they are able to pay tuition fees.

34. The Committee is concerned about the low rate of primary school enrolment and about the high rate of illiteracy in Senegal, especially among women. The Committee is also concerned that the State party is no longer always hiring trained teachers, but employs at lower wages unskilled teachers as volunteers, and that the number of drop-outs among primary and secondary school pupils is significant.

E. Suggestions and recommendations

35. The Committee urges the State party to take all necessary measures, including the enactment of legislation, in order to ensure that all the people of the State party enjoy, without any discrimination, the economic, social and cultural rights specified in the Covenant.

36. The Committee urges the State party to formulate and adopt a comprehensive plan of action for human rights, as called for in Part II, paragraph 71, of the Vienna Declaration and Programme of Action.

37. The Committee encourages the State party to ensure that national human rights institutions do not concentrate solely on civil and political rights, but accord equal weight and attention to economic, social and cultural rights.

38. The Committee calls upon the State party to take remedial action to address the inequality of and discrimination against women and girls in Senegal, both in law and in practice. In particular, the Committee urges the State party to consider repealing article 152 of the Family Code.

39. The Committee urges the State party to enact or enforce legislation prohibiting customary practices such as polygamy, FGM, restricted access by women to land, property, housing and credit facilities and the inability to inherit land and to take measures to combat such practices by all means, including national education programmes.

40. The Committee urges the State party to take immediate measures to address the problem of discrimination against women in access to employment and to monitor closely, both in the private and public sectors, the implementation of the law on maternity leave.

41. The Committee recommends that the State party enact specific legislation and adopt measures necessary to ensure better living conditions for people with disabilities.

42. The Committee recommends that the State party take effective action to reduce the unemployment rate by, inter alia, providing training for young people in urban areas and by conducting regular reviews of the minimum wage levels in order to enable workers to attain an adequate standard of living for themselves and their families.

43. The Committee calls upon the State party to ensure that all workers, including domestic workers, have access to basic social services and are paid decent wages and that labour regulations governing their hours of work and safe conditions of work are scrupulously observed.

44. The Committee calls upon the State party to consider repealing the existing provisions of the Labour Code whereby (a) foreign workers are barred from holding trade union offices in Senegal; (b) the Ministry of the Interior is able to dissolve trade unions; and (c) an authorization is required from the Ministry before a trade union can legally exist.

45. The Committee urges the State party to allocate more funds for its 20/20 Initiative, designed as a basic social safety net for the disadvantaged and marginalized groups of society.

46. The Committee calls upon the State party to take all effective measures, including the enforcement of existing legislation and the adoption of national awareness campaigns, to eliminate all forms of violence against women.

47. The Committee urges the State party to take remedial action to address the problems of clandestine abortions, unwanted pregnancies and the high rate of maternal mortality. In this regard, the Committee urges the State party to undertake more effective reproductive and sexual health programmes in schools and colleges.

48. The Committee strongly recommends that the State party address the problem of street children and reintegrate them into mainstream society.

49. The Committee urges the State party to take effective measures to reinforce existing laws on child labour and to improve its monitoring mechanisms in order to ensure that those laws are enforced and to protect children from economic exploitation. In this regard, the Committee urges the State party to consider ratifying the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

50. The Committee urges the State party to integrate fully human rights, including economic, social and cultural rights, in the formulation of the Poverty Reduction Strategy Paper (PRSP) which is being prepared by the State party. In this regard, the Committee refers the State party to the Committee's statement on poverty of 4 May 2001 and encourages the State party to ensure that its PRSP is prepared in full consultation with civil society.

51. The Committee urges the State party to review its current housing policies and, in particular, to reintroduce a programme of social housing, especially for the disadvantaged and marginalized groups, and to ensure reasonable access to housing credit for those from lower income groups.

52. The Committee urges the State party to undertake a systematic and comprehensive review of its relevant legislation, administrative policies and procedures to ensure that they comply with the guidelines of the Committee specified in general comments Nos. 4 and 7 in relation to forced evictions.

53. The Committee calls upon the State party to provide to small farmers in Senegal credit facilities at reasonably low rates so that they may carry out their activities and earn a living for themselves and their families.

54. The Committee urges the State party to expedite the consideration of the applications of asylum-seekers and to provide them with basic social services, including hospital care and free education for their children.

55. The Committee calls upon the State party to make safe drinking water accessible to the entire population and to combat the problems of malnutrition, especially among children, hygiene and water-related diseases.

56. The Committee recommends that the State party address the shortage of hospitals and health centres and the unequal distribution of heath facilities in the country. In this regard, the Committee urges the State party to provide health services in the various regions of the country in order to provide incentives for doctors and nurses to move out of Dakar and Thies.

57. The Committee recommends that the State party establish literacy programmes for adults and intensify its efforts to increase the school attendance of children, especially at the primary level, and address the problem of drop-outs among primary and secondary pupils.

58. The Committee urges the State party to review its current practice of employing unskilled teachers instead of hiring trained ones.

59. The Committee urges the State party to implement a comprehensive National Plan for Education for All, as anticipated by paragraph 16 of the Dakar Framework for Action, taking into account the Committee's general comments Nos. 11 and 13.

60. The Committee strongly recommends that Senegal's obligations under the Covenant be taken into account in all aspects of its negotiations with international financial institutions, such as the International Monetary Fund and the World Bank, to ensure that the economic, social and cultural rights of Senegalese and, in particular, of the most vulnerable groups of society, are duly protected.

61. The Committee urges the State party to create a solid database in order to target and monitor its progress in implementing each of the rights contained in the Covenant, as well as to draw upon and provide information to the Committee regarding the enjoyment of each of the Covenant rights.

62. The Committee urges the State party to include in its third periodic report, which should be submitted by 30 June 2003, updated and detailed information, backed up by statistical data, on the concrete measures it has taken to address the principal subjects of concern and to implement the recommendations, contained in the concluding observations of the Committee. The Committee also recommends that the State party avail itself of technical assistance from the Office of the United Nations High Commissioner for Human Rights and the relevant United Nations specialized agencies in the preparation of the report.

63. The Committee confirms that, if the State party so wishes, it is willing to undertake a country mission to Senegal, with a view to helping the State party implement its obligations under the Covenant, in the light of these concluding observations.

64. The Committee requests that the State party disseminate these concluding observations as widely as possible among the State institutions concerned, as well as its citizens.

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